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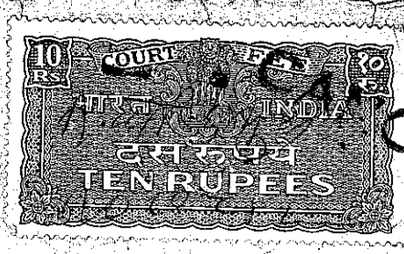

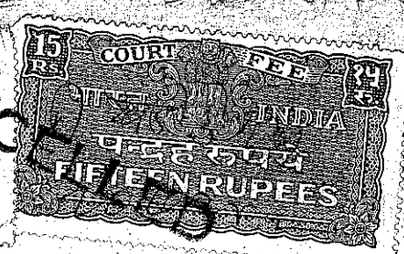

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IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

MISCELLANEOUS PETITION NO. 1846 OF 1984.

Division Bench Civil

PETITIONER:- R.K.SHARMA, Son of Late Shri B.R.Sharma, Officer Junion Management, State Bank of India, Region-IV, Regional Office, Raipur City, Tahsil and District Raipur (M.P.).

-: V E R S U S :-

RESPONDENTS:- 1. State Bank of India, Central Office, Post Box No. 12, BOMBAY.

2. State Bank of India, Personnal Department, Local Head Office, Chola Road, Bhopal City, Tahsil and District BHOPAL (M.P.).

3. The Regional Manager, State Bank of India, Region-IV, Regional Office, Shankar Nagar, Raipur City, Tahsil and District Raipur

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION FOR GRANT OF WRITS, ORDERS OR DIRECTIONS.

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Paliwal
Advocate.

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IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

MISCELLANEOUS PETITION NO. 1846 OF 1984.

(6) K.S. Gaidhani, 15, S.B.I. Officers Colony, Shailendra Nagar, Raipur.

(5) M.T. Lanjewar, Development Officer, S.B.I. Regional Officer, Shailendra Nagar, Raipur.

(3) L.P. Shukla, Retired Officer, State Bank, near house of Prakashchandra Tiwari, Ambar Nagar, Raipur.

(7) P.C. Banerjee, (Retired Officer Bank), 23, S.B.I. Officers Colony, Shailendra Nagar, Raipur.

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Advocate dt
4.12.7-84.

Counsel for Petitioner

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Dy No 4/8/84
Registrar

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

W. P. No. 1846 of 1984

Petitioner : R.K. Sharma

Versus

Respondent : State Bank of India & others

ORDER

Post for 27-2-2007

Sd/-
Satish K. Agnihotri
Judge
26-2-2007

(216)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (s) No. 1846 of 1984

Petitioner : R.K. Sharma

Versus

Respondent : State Bank of India & others

Mr. P.S. Koshy, Advocate for the petitioner.

Mr. P. Diwakar, Senior Advocate with Mr. P.R. Patankar, Advocate for the respondents.

ORDER

(Passed on this 27th day of February, 2007)

1. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ/direction to quash the circular PER/O/No. 19 of 1983 dated 15th November, 1983 (P/1), the circular No. 32 of 1984, dated 27th June, 1984 (P/2), issued by the General Manager (Operations), State Bank of India, Personnel Department, Bhopal and the letter dated 4th July, 1994 (P/3) and further to restrain the respondents No. 1 and 2 holding from interviews and/or written test for the purpose of promotion of erstwhile Officer of Grade-I integrated into Junior Management Grade, Scale I to the vacant posts on the Middle Management Grade II with consequential reliefs.

(27)

2. The indisputable facts, in nutshell, are that the petitioner was initially appointed as a Cashier on 7.2.1949 by the respondent-Bank. With the passage of time, the petitioner was further promoted to the post of Officers Grade-II. By the order dated 1.8.1973, the petitioner was confirmed on the promoted post in the cadre of Officer Grade-II. As per the policy, the next promotion was to the post of Officer Middle Management Scale-II, which was denied to the petitioner. Thus, the petitioner filed the instant petition for the reliefs aforestated.

3. According to learned counsel appearing for the petitioner, no policy was formulated by the respondent-Bank to absorb the Junior Management Grade Scale-I to the post of Middle Management Grade Scale-II. On the basis of interview of eligible officers, promotions were made to the Middle Management Grade Scale-II. Several officers were promoted with effect from 1.8.1981, thereafter, 1.8.1982 and 1.8.1983. The petitioner was completely ignored. In the meantime, the petitioner retired from service on attaining the age of superannuation with effect from 31.8.86. Since, the petitioner has superannuated during pendency of this petition, which was filed on 9th July, 1984, learned counsel appearing for the petitioner submitted that the petitioner does not want to press any other ground, except that in lieu of the reliefs sought for in this petition, the petitioner should be paid sum lump-sum amount with interest as full and final settlement.

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4. Accordingly, this Court by the order dated 3.7.2006 granted four weeks time to both the parties for arriving at amicable settlement between the parties, if any. Several adjournment were sought to reach to some conclusion.

5. Learned counsel appearing for the petitioner further submitted that the matter may be disposed of with a direction to pay a sum of Rs. 65,000/- with interest towards full and final settlement of the dispute between the parties. He lastly submitted that the respondent-Bank is agreeable for the amount of Rs. 65,000/- with interest towards full and final settlement. Even otherwise, the petitioner has filed this petition on 9th July, 1984 and thereafter, he retired from service on 31.8.86. This petition was pending for long period for more than 20 years. Thus, I am of the view that the justice would be subserved if the submission of the petitioner is accepted in accordance with law. Thus, the respondents are directed to pay a lump-sum of Rs. 65,000/- with interest @ 6% from the day, the petitioner became entitled till the payment of the principal amount

6. Accordingly, the respondents are directed to make the payment, as stated-above, within a period of eight weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu